

Central Intelligence Agency



Washington, D.C. 20505

4 December 2018

Ms. Emma Best  
MuckRock News  
DEPT MR 62414  
411A Highland Avenue  
Somerville, MA 02144-2516

Reference: F-2019-00242

Dear Ms. Best:

On 30 October 2018, the office of the Information and Privacy Coordinator received your 30 October 2018 Freedom of Information Act (FOIA) request for records relating to the FOIA request described in **CIA-RDP85M00158R000700020006-9 and the ensuing lawsuit, described in CIA-RDP90-00552R000505290037-2 and CIA-RDP90-00806R000100120002-5. Please include responses to the FOIA request, and materials mentioning or generated as a result of the lawsuit, as well as materials relating to, mentioning or preparing the remarks referred to in the request.**

As you are aware, the FOIA permits an agency to assess fees even in situations where it fails to comply with the 20 working day FOIA response deadline in cases where there are "unusual circumstances." A member of my staff in consultation with senior members of this office assessed the overall complexity of your request, and we determined that at least one of the factors associated with "unusual circumstances" applies in this case.

With regard to your request for a fee waiver of applicable fees incurred in the processing of this FOIA request, under the FOIA, a waiver of applicable fees is appropriate when:

- (1) The disclosure of the requested information must be in the public interest because it is likely to contribute significantly to the public understanding of the operations and activities of the United States Government and is not primarily in the commercial interest of the requester.
- (2) The disclosure of the information is not primarily in the commercial interest of the requester. 5 U.S.C. §552(a)(4)(A)(iii)

At this early stage of reviewing your FOIA request, we have not yet made a decision on your request for a fee waiver. We will do so after we have determined whether the processing of your request will result in any assessable fees.

We have determined that your request falls into the "representative of the news media" fee category, which means that you will not be charged search fees, but may be charged the cost of reproducing released records, assessed at a rate of ten cents per page after the first 100 pages, in the event that the fee waiver is denied.

As a general matter, we are unable to provide an exact fee estimate until the processing of your request has commenced and we determine the extent of the assessable fees, if any. In order to protect requesters from large/or unanticipated charges, we will ask you for a written commitment to pay duplication fees if we determine they will exceed \$100 in the event that your request for a fee waiver is denied. Although you still will be assessed fees accordingly, we will not notify you beforehand if we estimate that fees for completing your request will be less than \$100. We will proceed on this basis unless we hear otherwise from you in writing.

Our officers will review your request in more detail and will advise you should they encounter any problems or if they cannot begin the search without additional information or clarification. As noted above, we will inform you of our decision regarding your request for a fee waiver once we have commenced processing the request and have determined whether any assessable fees will be incurred. We have assigned your request the reference number above. Please use this number when corresponding so that we can identify it easily. We will search for CIA-produced records covering the date range as described in your request or we will search for CIA-produced records up to and including the date the Agency starts its search.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allison Fong', with a long horizontal stroke extending to the right.

Allison Fong  
Information and Privacy Coordinator